

CBA Compliance FAQs

What is the scope of review?

Compliance review is based on the CBA and any MOUs provided to IEERB by the parties. The review does not include:

- an evaluation of deficit financing;
- an evaluation of whether the health insurance plan is compliant with IC Ch. 20-26-17 (HEA 1260-2011);
- an evaluation of compliance with IC § 20-28-9-11; or
- an exhaustive review of whether any provision of the CBA conflicts with any state or federal right, benefit, or law.

Is there a rubric for CBA compliance?

Yes, there is an approved rubric. IEERB staff also has created an annotated rubric for additional guidance. Both rubrics can be found online at www.in.gov/ieerb.

Who will be evaluating my CBA for compliance?

IEERB will appoint a compliance officer to review CBAs and issue a Compliance Report and Recommendation (“Report”). Parties will not receive an appointment letter. If your compliance officer wants to contact you, they will do so.

Can I find out the status of my review?

IEERB will not provide status updates. Reports will be issued prior to March 30 of the year in which the CBA expires.

What if my CBA is found to be noncompliant?

The compliance officer will include a recommended penalty in the Report. The penalties include:

- Cease and desist order
- Prior approval
- Requiring other actions authorized by state law.

What is a cease and desist order?

A cease and desist order is an order prohibiting the parties from agreeing to the same or similar impermissible subject or provision in future CBAs.

What does prior approval entail?

Prior approval requires parties to obtain written approval from the Board or Board’s agent prior to ratifying any subsequent CBA or MOU. This penalty requires the school employer to submit a copy of the tentatively agreed upon CBA or MOU to the compliance officer in the manner prescribed by the Board prior to ratification. For more information, see IEERB’s emergency rules.

What if I disagree with the compliance officer's Report?

Parties have 15 days from the date the Report or Addendum is issued to appeal:

- a finding of noncompliance;
- a recommended penalty; or
- both a finding of noncompliance and a recommended penalty.

The appeal must be in writing, state the basis of the appeal with reasonable particularity, and be filed with the board in the manner prescribed by the Board.

Can IEERB review my proposed CBA for compliance?

We understand that this is a new process and that there are many questions, which is why we have created several guidance documents to help the parties. Unfortunately, time and staffing restraints will not allow IEERB to provide an informal review of a proposed CBA.

Where can I get more information about compliance?

- Questions to IEERB should be directed to klandeck@ieerb.in.gov.
- IEERB Compliance Handbook, including annotated rubric available at www.in.gov/ieerb.
- Indiana Code Chapter 20-29-6, available at www.in.gov/ieerb.
- Search contracts, available through Gateway at https://gateway.ifionline.org/report_builder.
- Search current and former contracts, available through IEERB Search at <http://www.in.gov/ieerb/2406.htm>.